

(1) the term “eligible company” means a small-sized or medium-sized business that is incorporated in the United States and does a majority of its business in the United States, and that either—

(A) is majority owned by citizens of the United States; or

(B) is owned by a parent company incorporated in another country and the Director finds that—

(i) the company’s participation in the Technology Innovation Program would be in the economic interest of the United States, as evidenced by—

(I) investments in the United States in research and manufacturing;

(II) significant contributions to employment in the United States; and

(III) agreement with respect to any technology arising from assistance provided under this section to promote the manufacture within the United States of products resulting from that technology; and

(ii) the company is incorporated in a country which—

(I) affords to United States-owned companies opportunities, comparable to those afforded to any other company, to participate in any joint venture similar to those receiving funding under this section;

(II) affords to United States-owned companies local investment opportunities comparable to those afforded any other company; and

(III) affords adequate and effective protection for intellectual property rights of United States-owned companies;

(2) the term “high-risk, high-reward research” means research that—

(A) has the potential for yielding transformational results with far-ranging or wide-ranging implications;

(B) addresses critical national needs within the National Institute of Standards and Technology’s areas of technical competence; and

(C) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer-review process;

(3) the term “institution of higher education” has the meaning given that term in section 1001 of title 20;

(4) the term “joint venture” means a joint venture that—

(A) includes either—

(i) at least 2 separately owned for-profit companies that are both substantially involved in the project and both of which are contributing to the cost-sharing required under this section, with the lead entity of the joint venture being one of those companies that is a small-sized or medium-sized business; or

(ii) at least 1 small-sized or medium-sized business and 1 institution of higher education or other organization, such as a national laboratory or nonprofit research institute, that are both substantially in-

involved in the project and both of which are contributing to the cost-sharing required under this section, with the lead entity of the joint venture being either that small-sized or medium-sized business or that institution of higher education; and

(B) may include additional for-profit companies, institutions of higher education, and other organizations, such as national laboratories and nonprofit research institutes, that may or may not contribute non-Federal funds to the project; and

(5) the term “TIP Advisory Board” means the advisory board established under subsection (k).

(Mar. 3, 1901, ch. 872, § 28, as added Pub. L. 110–69, title III, § 3012(b), Aug. 9, 2007, 121 Stat. 593.)

#### REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (k)(4), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### PRIOR PROVISIONS

A prior section 278n, act Mar. 3, 1901, ch. 872, § 28, as added Pub. L. 100–418, title V, § 5131(a), Aug. 23, 1988, 102 Stat. 1439; amended Pub. L. 102–245, title II, § 201(c), Feb. 14, 1992, 106 Stat. 16, related to the Advanced Technology Program, prior to repeal by Pub. L. 110–69, title III, § 3012(a), Aug. 9, 2007, 121 Stat. 593.

#### TRANSITION

Pub. L. 110–69, title III, § 3012(c), Aug. 9, 2007, 121 Stat. 598, provided that: “Notwithstanding the repeal made by subsection (a) [repealing former section 278n of this title], the Director shall carry out section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) as such section was in effect on the day before the date of the enactment of this Act [Aug. 9, 2007], with respect to applications for grants under such section submitted before such date, until the earlier of—

“(1) the date that the Director promulgates the regulations required under section 28(f) of the National Institute of Standards and Technology Act [15 U.S.C. 278n(f)], as added by subsection (b) [Final regulations implementing the Technology Innovation Program issued June 25, 2008. See 73 F.R. 35913.]; or

“(2) December 31, 2007.”

#### NATIONAL ACADEMIES OF SCIENCES AND ENGINEERING STUDY OF GOVERNMENT-INDUSTRY COOPERATION IN CIVILIAN TECHNOLOGY

Pub. L. 100–418, title V, § 5131(c), Aug. 23, 1988, 102 Stat. 1443, directed the Secretary of Commerce, within 90 days after Aug. 23, 1988, to enter into contracts with the National Academies of Sciences and Engineering to review the various types of cooperative arrangements between the private sector and the Federal Government and required a report based on the review to be submitted to the Secretary, the President, and Congress within 18 months after the contracts were signed.

#### § 278o. User fees

The Institute shall not implement a policy of charging fees with respect to the use of Institute research facilities by research associates in the absence of express statutory authority to charge such fees.

(Mar. 3, 1901, ch. 872, § 30, as added Pub. L. 100–418, title V, § 5161, Aug. 23, 1988, 102 Stat. 1450.)

**§ 278p. Notice to Congress****(a) Notice of reprogramming**

If any funds authorized for carrying out this chapter are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

**(b) Notice of reorganization****(1) Requirement**

The Secretary shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the Institute.

**(2) “Major reorganization” defined**

For purposes of this subsection, the term “major reorganization” means any reorganization of the Institute that involves the reassignment of more than 25 percent of the employees of the Institute.

(Mar. 3, 1901, ch. 872, §31, as added Pub. L. 105-309, §4(b), Oct. 30, 1998, 112 Stat. 2935.)

**CHANGE OF NAME**

Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

**§ 278q. Appropriations; availability**

Appropriations to carry out the provisions of this chapter may remain available for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

(Mar. 3, 1901, ch. 872, §32, formerly §18, as added Pub. L. 92-317, §3(a), June 22, 1972, 86 Stat. 235; amended Pub. L. 95-322, §2(b), July 21, 1978, 92 Stat. 395; Pub. L. 96-461, §10, Oct. 15, 1980, 94 Stat. 2052; renumbered §19, Pub. L. 99-574, §6(a), Oct. 28, 1986, 100 Stat. 3237; renumbered §20, Pub. L. 99-574, §8(a), Oct. 28, 1986, 100 Stat. 3238; renumbered §22, Pub. L. 100-235, §3(2), Jan. 8, 1988, 101 Stat. 1724; renumbered §32, Pub. L. 107-305, §8(a)(1), Nov. 27, 2002, 116 Stat. 2375.)

**CODIFICATION**

Section was formerly classified to section 278h of this title prior to renumbering by Pub. L. 107-305.

Another section 32 of act Mar. 3, 1901, ch. 872, was renumbered section 34 and is set out as a Short Title note under section 271 of this title.

**AMENDMENTS**

1980—Pub. L. 96-461 substituted “Appropriations” for “(a) Appropriations” and struck out subsec. (b) which authorized appropriations to carry out provisions of this chapter, including the Working Capital Fund referred to in section 278b(a) of this title, but excluding section 278f of this title, of such sums as may be necessary for each of the fiscal years 1979 and 1980.

1978—Pub. L. 95-322 designated existing provisions as subsec. (a) and added subsec. (b).

**§ 278r. Collaborative manufacturing research pilot grants****(a) Authority****(1) Establishment**

The Director shall establish a pilot program of awards to partnerships among participants described in paragraph (2) for the purposes described in paragraph (3). Awards shall be made on a peer-reviewed, competitive basis.

**(2) Participants**

Such partnerships shall include at least—

- (A) 1 manufacturing industry partner; and
- (B) 1 nonindustry partner.

**(3) Purpose**

The purpose of the program under this section is to foster cost-shared collaborations among firms, educational institutions, research institutions, State agencies, and non-profit organizations to encourage the development of innovative, multidisciplinary manufacturing technologies. Partnerships receiving awards under this section shall conduct applied research to develop new manufacturing processes, techniques, or materials that would contribute to improved performance, productivity, and competitiveness of United States manufacturing, and build lasting alliances among collaborators.

**(b) Program contribution**

Awards under this section shall provide for not more than one-third of the costs of a partnership. Not more than an additional one-third of such costs may be obtained directly or indirectly from other Federal sources.

**(c) Applications**

Applications for awards under this section shall be submitted in such manner, at such time, and containing such information as the Director shall require. Such applications shall describe at a minimum—

- (1) how each partner will participate in developing and carrying out the research agenda of the partnership;
- (2) the research that the grant would fund; and
- (3) how the research to be funded with the award would contribute to improved performance, productivity, and competitiveness of the United States manufacturing industry.

**(d) Selection criteria**

In selecting applications for awards under this section, the Director shall consider at a minimum—

- (1) the degree to which projects will have a broad impact on manufacturing;
- (2) the novelty and scientific and technical merit of the proposed projects; and
- (3) the demonstrated capabilities of the applicants to successfully carry out the proposed research.

**(e) Distribution**

In selecting applications under this section the Director shall ensure, to the extent practicable, a distribution of overall awards among a variety of manufacturing industry sectors and a range of firm sizes.